



243

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28154-2025

Date of Decision:12.08.2025

Head Constable Abdul Shamim

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.55 dated 25.03.2025 registered under Section 7 of Prevention of Corruption Act, at Police Station City-1 Malerkotla, District Malerkotla.

2. The FIR in the present case was registered on the basis of the statement made by Shehnaz Khan son of Bhola Khan and the same has been reproduced below:-

“Statement of Shehnaz Khan son of Bhola Khan, resident of Taranjikhhera (Padiali) P.S. Dirba, aged 30 years, mobile No.85286-90001. Stated that I am resident of above said address. My sister Najma Rani is married to Ramzan Mohammad alias Ladi son of Jamil Khan, resident of Serwani Kot, P.S. Sandour. On 18.03.2025, 500 grams opium was recovered from him, against whom, FIR No.47 dated 18.03.2025 u/s 18/61/85 of NDPS Act was registered at P.S. City-1 Malerkotla was registered. He was produced before the Court on 19.03.2025 and police remand for 2 days was obtained by the police. On 19.03.2025, my sister Najma

Rani got phone call on her mobile phone from Ct. Abdul Samim, who told my sister Najma to give him Rs. 10 lakh and he will be benefited for her and then neither her husband Ramzan Mohammad will be beaten nor electrocuted. She replied to him that we cannot give so much money. Then on our repeatedly requesting to Ct. Abdul Samim, our deal was arrived to Rs.2 lakh with Ct. Abdul Samim. Then on 21.03.2025, I and my sister Najma came to the police station at around 4/5 pm and then Ct. Samim took us to the collapsed quarters in the police station, where in front of me, my sister Najma gave Rs.2 lakh to Ct. Shamim (all notes of Rs.500/500) in 4 bundles (Rs.50,000 in one bundle), which she took out from the black envelope and gave it to me and then I put all that money in the same black envelope and gave it to the Ct. Abdul Samim. But we did not tell anyone about this because we were afraid. But our soul was very sad. We could not bear this because we are very poor. Injustice has been caused to us. Kindly justice be delivered to us. Statement got recorded to you, heard it and the same is correct. Sd/- Complainant Shehnaz Khan.”

3. Learned counsel for the petitioner contends that the allegations in the present case pertained to 21.03.2025 and no complaint was moved by the complainant till 25.03.2025. This clearly shows that the FIR registered against the petitioner is an outcome of confabulations and due deliberations and the time was utilized in coining a false version against him. Learned counsel further contends that the basic ingredients of the offence are completely missing in the present case and there was no demand, offer or acceptance of bribe. He further refers to the bank statement of the petitioner (Annexure P-2) to contend that the recovery of Rs.1 lac has been wrongly shown from the petitioner as the said amount was withdrawn by CIA officers by using his ATM account. Even there

was no financial transactions nor any CDR to substantiate the allegations levelled by the complainant against the petitioner. The petitioner has been in custody since 25.03.2025 and was never involved in any other crime in the past. Moreover, he is a government servant and there are no chances of fleeing from the process of justice.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. It is an admitted fact that the petitioner is in custody for the last about 05 months. After completion of investigation, challan has been presented against the petitioner and the charge has been framed against him. However, no witness has been examined so far and the conclusion of the trial may take quite a long time.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

12.08.2025
hemlata

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No